

MINUTES

UTAH SUBSTANCE ABUSE COUNSELORS LICENSING BOARD MEETING

May 3, 2006

Room 4B – 4th Floor – 9:00 A.M.
Heber Wells Building

CONVENED: 9:10 A.M.

ADJOURNED: 11:15 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Shawn M. McMillen, Chairperson
Ronald K. Wilkey
Kelly J. Lundberg, PhD
Linda Cornaby
Patrick J. Fleming
Joel Millard, DSW

Board Members Absent:

Stephen R. Sheppard, PhD

Guests:

Craig Jackson, Division Director
Clyde Ormond, Bureau Manager

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Read and approve the March 14, 2006 Minutes.

Dr. Millard made a motion to approve the minutes as read. Mr. Wilkey seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:30 A.M.

Teresa Lloyd, Probationary Interview

Ms. Lloyd met for her probationary interview.

Ms. Taxin and Mr. McMillan explained the new public meetings act and that this entire meeting will be taped. Ms. Taxin stated that if Ms. Lloyd has something of a sensitive nature to discuss, she may

request a closed meeting for that portion of her appointment.

Ms. Lloyd stated that she is working part time at Serenity House, a co-ed facility, in Ogden. Ms. Lloyd stated Dr. Simmons has agreed to supervise her but does not have a letter for the Board yet. Ms. Lloyd stated that she is conducting self-esteem and self management classes right now and hopes to move into substance abuse counseling soon.

She said she has now read the Laws and Rules for Substance Abuse Counselors and understands what the scope of practice is and what is expected of her as a licensee. Ms. Lloyd explained that she learned she can do the basic screening, the basic assessment and may be on a team but a therapist must do the evaluations and the mental health therapy.

Ms. Lloyd stated that she did a couple of online continuing education classes while at Magellan. Ms. Lloyd explained that she has 3 CE units in ethics and plans to take a class in June titled Legal and Ethical issues in Counseling. Ms. Lloyd asked if some of her education at the University of Phoenix could count toward the CE requirement.

Mr. McMillan reviewed the CE documentation Ms. Lloyd submitted and stated that there is over 20 hours documented.

Ms. Taxin responded that the class in Legal and Ethical Issues in Counseling would meet part of the requirement. Ms. Taxin asked if the Board would accept the hours submitted.

The Board responded that the hours submitted would be accepted.

Ms. Taxin reminded Ms. Lloyd that any additional CE must be submitted to be pre-approved. Ms. Taxin also reminded Ms. Lloyd that copies of completion of all CE must be submitted.

Ms. Lloyd then presented courses for the Board to review.

The Board determined the courses are more than adequate and gave approval for attendance.

Ms. Lloyd asked how the monthly reports should be submitted.

Ms. Taxin responded that she would give Ms. Lloyd a supervisor report for monthly reports and one for quarterly reports. Ms. Taxin stated that the reports should be submitted toward the first of each month in order for her to review the report and to prepare the file for the Board meetings. Ms. Taxin stated that Ms. Lloyd must also request her supervisor to submit a letter of having read the Stipulation and Order and a statement of supporting Ms. Lloyd in the requirements.

Ms. Taxin asked what level of license Ms. Lloyd's supervisor held at Highland Ridge.

Ms. Lloyd responded that the supervisor was licensed as a Marriage and Family Therapist.

An appointment was made for Ms. Lloyd to meet again August 2, 2006.

9:45 A.M.

Joanie Jones, Probationary Interview

Ms. Jones met for her probationary interview.

Sabina Weil, Ms. Jones Clinical supervisor, also attended to answer any questions the Board may have and to give Ms. Jones support.

Dr. Millard conducted the interview.

Ms. Taxin asked Ms. Jones to explain to the Board the situation with her physician.

Ms. Jones explained that she had an appointment with her physician, Dr. Nelson Astle, and gave him a copy of her Stipulation and Order with a letter for him to sign that he had read the Stipulation and Order and would communicate with the Board regarding any medications, health issues and treatments. Ms. Jones stated that Dr. Astle became defensive and escorted her out of his office with a statement that he would not treat anyone on probation for substance abuse.

Ms. Jones stated that she located another physician, Dr. Jeffrey Lee DeGrauw. Ms. Jones stated that she discussed her addiction with Dr. DeGrauw and he indicated he has treated addicts before and does not have a problem having them as patients. Ms. Jones stated that Dr. DeGrauw should have submitted a signed letter.

The Board noted the letter from Dr. DeGrauw has been received.

Ms. Taxin inquired about Ms. Jones stating that she had notified the Division that she was on a medication that might show up in her testing. However, Ms. Taxin stated that there have been no positive tests.

Ms Jones stated that she is not currently on any medications but a friend of her stated Rantinidine would show up as a positive in drug testing.

Ms. Taxin explained that if Ms. Jones is on any medication she should contact the URAP people, Susan or Debbie, to notify them and to ask if a Dr.'s letter is warranted. Ms. Taxin stated that all narcotics require a Dr.'s letter.

Ms. Weil asked if Ms. Jones should also notify the Board or if the letter from the Dr. is adequate notification.

Ms. Taxin responded that Ms. Jones should also notify URAP, the Division and the Board as communication is the best method to avoid misunderstandings.

Dr. Lundberg commented that there appears to be misunderstandings when Ms. Jones meets with the Board and possibly when she met with her first physician. Dr. Lundberg recommended Ms. Jones be very clear and direct and ask questions if she does not understand something or does not know something.

Dr. Millard commented that the Wasatch report indicates that Ms. Jones has only approved for the

release of progress notes that deal with drugs and drug seeking behavior. Dr. Millard stated he would like to review all lab reports and all progress notes and requested Ms. Jones write a release for the information to be submitted for the Board to review.

Dr. Lundberg commented that the partial disclosure of information is the issue. Dr. Lundberg stated that Ms. Jones should make sure she has all the correct information and check with the Board or the Division if she has any questions.

Dr. Lundberg remarked that the February and August 2005 minutes reflect some concern in regard to Ms. Jones drug tests. Dr. Lundberg asked if there are still concerns.

Ms. Taxin responded that Ms. Jones has called in consistently and had consistent negative drug tests. Ms. Taxin addressed Ms. Jones asking for the Seattle, Washington area to open a more convenient site for her to test. Ms. Taxin stated that Ms. Jones should communicate with the Board and Division prior to making testing requests.

Ms. Jones notified the Division and the Board that she will be in Laramie, Wyoming and Seattle, Washington in August.

Ms. Taxin stated that Ms. Jones will need to continue to call in for the drug testing. Ms. Taxin recommended Ms. Jones contact Debbie at the Division in advance of leaving the area to inform her of vacations. Ms. Taxin again stated that Ms. Jones must still call each day and possibly go out of her way to contact the testing agency for a drug test.

Mr. McMillan commented that Ms. Jones brought the clinical supervisor, Ms. Weil, and asked if there was a reason she attended.

Ms. Weil responded that she agreed to attend for moral support. Ms. Weil stated that she and Ms. Jones work at the same facility and Ms. Weil has noticed a lack of awareness at times by Ms. Jones and that it is not an

intentional miscommunication. Ms. Weil stated that the probation has been good for Ms. Jones.

Mr. Wilkey stated that at the last meeting Ms. Jones was requested to submit a letter from her dentist as she had been in for some work. Mr. Wilkey asked if a letter has been received or if Ms. Jones brought that letter with her today.

Ms. Taxin responded that the Division has not received a letter from Ms. Jones's dentist. Ms. Taxin asked if Ms. Jones has returned to her dentist.

Ms. Jones responded that she has not gone back to the dentist.

Ms. Taxin explained that Ms. Jones must submit a letter from any Dr. that she visits that prescribes any narcotic to her. Ms. Taxin recommended that Ms. Jones also submit a copy of any other prescriptions as a precautionary since she has had so many miscommunications, although her Stipulation and Order does not require it. Ms. Taxin suggested Ms. Jones keep a copy of the Stipulation and Order with her for any Dr. to review and then obtain a letter if anything is prescribed.

Ms. Weil asked if notification of all antibiotics should also be included.

Ms. Taxin responded that it would be good to have the communication of any prescription.

Ms. Jones stated that she has been struggling with her twice a month therapy appointments right now due to financial circumstances. Ms. Jones asked if she could postpone the therapy for now and resume it later.

Ms. Taxin responded that Ms. Jones should submit a letter from herself and the therapist stating they have discussed the issue and the therapist is of the opinion that it is therapeutically appropriate for Ms. Jones to delay her appointments for now. Ms. Taxin stated that if the therapist is of the opinion that Ms. Jones should be in therapy, then she

should keep her appointments to once a month and work back into twice a month as soon as possible.

Dr. Lundberg stated that Ms. Jones should discuss her frequency of therapy with her therapist and be very clear with the therapist regarding her financial status and the recommendation to the Board.

Dr. Millard commented that he wants Ms. Jones to be sure she is not cutting corners in these issues. Dr. Millard stated that it appears Ms. Jones is under doing and it would be good to see her be more aggressive and over doing on her recovery program.

An appointment was made for Ms. Jones to meet again August 2, 2006.

10:00 A.M.

Rodney Symes, Probationary Interview

Mr. Symes met for his probationary interview.

Mr. McMillan explained the change in the public meetings act and notified Mr. Symes that the meeting is being taped.

Mr. Fleming conducted the interview.

Mr. Fleming summarized Mr. Symes letter requesting early termination of probation.

Dr. Lundberg commented that Mr. Symes file documents over 10 years of clean drug testing.

Mr. Fleming commented that he has had some interaction with Mr. Symes over the last 3 months as they have served on a task force for the Governor's office. Mr. Fleming stated that Mr. Symes was one of the speakers at a meeting with many elected officials. Mr. Fleming stated that Mr. Symes has also been involved with Utah County and other elected officials in Utah doing methadone presentations.

Dr. Lundberg commented that Mr. Symes is the kind of person who is a good role model for others as he has struggled.

Ms. Taxin commented that she has read many supervisor reports that have Mr. Symes name as the supervisor. Ms. Taxin stated her appreciation to Mr. Symes on being a good role model as he knows the process and is able to help educate others to be successful.

Mr. Fleming made a motion to terminate probation early based on Mr. Symes performance while on probation. Mr. Wilkey seconded the motion. The Board vote was unanimous.

10:30 A.M.

Patricia Munteer, Probationary Interview

Ms. Munteer met for her probationary interview.

Mr. Wilkey conducted the interview.

Ms. Munteer reported that she is no longer employed at First Step House. Ms. Munteer voiced concern of losing her license.

Ms. Taxin reassured Ms. Munteer that she will not lose her license based on being unemployed. Ms. Taxin stated that Ms. Munteer is in compliance with her MOU at this time. However, Ms. Taxin stated that Ms. Munteer must be employed by her next appointment, which is in 3 months, or the reduction time will stop until she is employed again. Ms. Taxin reminded Ms. Munteer that she will need to notify the Division when she is again employed and submit a letter from her employer stating they have read the MOU and support assisting Ms. Munteer to meet the requirements.

Mr. Wilkey asked Ms. Munteer to share her plans for her future.

Ms. Munteer responded that she does not know yet what her plans are. Ms. Munteer stated that Benchmark is near her home and she may apply there or maybe at Discovery House. Ms. Munteer stated she will look into the policies of Discovery House first and find out if they are doing groups or just methadone as methadone is not enough for addicts.

Ms. Taxin commented that Ms. Munteer worked at First Step House where Mr. McMillan is employed and asked if she is comfortable with Mr. McMillan staying in the Board meeting.

Ms. Munteer responded that she is very comfortable with Mr. McMillan staying in the Board meeting.

Ms. Munteer presented CE classes for pre-approval.

Ms. Taxin asked if the Board had a preference regarding Ms. Munteer's continuing education requirement choices she presented.

Mr. Fleming responded that the courses regarding solution for highly difficult clients, group counseling process and problem therapy would be appropriate. The course regarding management would not be appropriate.

Dr. Millard asked if Ms. Munteer will be taking the classes in summer school or at the fall conference.

Ms. Munteer responded that her plan is to go to summer school.

Dr. Millard and Mr. McMillan stated they were comfortable with Ms. Munteer's selections.

Mr. McMillan stated that Ms. Munteer is also doing a 2 day training. Mr. McMillan requested the Board to accept the training to meet part of the CE requirement.

The Board requested information be submitted upon completion of the trainings with an outline of topics covered along with a certificate of completion.

Mr. Wilkey stated that he could not find an ethics specific course.

Ms. Munteer responded that she completed the required 6 hours in ethics to have her license reinstated.

Ms. Taxin explained that 6 hours in ethics is required to renew the LSAC license and Ms. Munteer must complete an additional 4 hours in an ethics class. Ms. Taxin stated that she would feel comfortable if there is some ethics included in the courses Ms. Munteer has chosen. Ms. Taxin stated that Ms. Munteer has made a good effort in communicating with the Division and the Board.

Ms. Taxin asked if Ms. Munteer had her letter of termination from First Step House.

Ms. Munteer responded that she has not yet received the letter.

Ms. Taxin asked for a copy to be submitted as soon as Ms. Munteer receives the letter.

An appointment was made for Ms. Munteer to meet again August 2, 2006.

11:00 A.M.

Melissa Zahn, Probationary Interview

Ms. Taxin explained that Ms. Zahn was unable to meet with the Board for her probationary interview due to a death in the family. The Board Secretary, Karen McCall, contacted Ms. Zahn and requested a phone call to tell the Division verbally her decision regarding her license to be followed with a hard copy written statement.

Ms. Taxin reported that Ms. Zahn has not yet contacted the Division.

Dr. Lundberg asked if Ms. Zahn is still not working in the field.

Ms. Taxin responded that Ms. Zahn is not working as an LSAC as far as the Division is aware as the Division has not been informed of a change.

Dr. Lundberg recommended Ms. Zahn notify the Division immediately if she does start working in the field. Dr. Lundberg also recommended Ms. Zahn be given until the August 2, 2006 Board meeting to respond regarding her decision on her license.

Board members concurred.

DISCUSSION ITEMS:

Legislative Update

Ms. Taxin reported that the Legislature made changes to the Open Meetings Act to require all public meetings to be taped starting May 1, 2006. Ms. Taxin explained the process for the Board chairperson and that all speakers must first identify who they are or the chairperson will identify. Ms. Taxin stated that meetings may be closed for discussion of mental status and for sensitive issues when necessary.

Board members thanked Ms. Taxin for the notification.

FYI

Dr. Lundberg asked if there was any update at the Legislative session regarding the Private Probation Officers that would affect the LSAC profession.

Ms. Taxin responded that she was not aware of any changes but that Clyde Ormond would be more informed.

Law Update

Ms. Taxin reported that she met with Santiago Cortez and Dave Felt to review and discuss revisions to the Substance Abuse Counselor Licensing Act. Ms. Taxin reported that when they complete a draft she will present it to the Board for review. Ms. Taxin stated that they are trying to look at areas that are confusing in the profession and trying to make changes that will assist with clarity for the applicants.

Mr. Wilkey asked at what point Ms. Taxin involves the AG's office.

Ms. Taxin responded that she is assisting the association as a courtesy as the association is the body behind Law changes. Ms. Taxin stated that she might have an AG review the draft prior to presenting it to the Board.

Ms. Taxin concluded that the draft should be ready by the next scheduled Board meeting.

Review Mental Health Therapy Minutes from February 28, 2006 Meeting

Ms. Taxin explained that the minutes from the combined Mental Health Therapy meeting on February 28, 2006, are ready for Board members to

review. Ms. Taxin asked the Board to take the minutes, review them and contact the Board Secretary, Karen McCall, with any revisions.

Mr. Fleming asked if the minutes could be included on the next agenda as a discussion item and invite Craig Jackson, Division Director, to be present for that discussion. Mr. Fleming stated that he has a concern regarding unregulated facilities in Utah. Mr. Fleming stated that there are programs for substance abuse that do not work and the license gives some degree of assurance that the program will be run a specific way.

Mr. McMillen asked if Mr. Fleming was referring to regulation of private for profit programs.

Mr. Fleming responded that he was referring to the private for profit programs and they should be held to the same standard as the State administered programs.

Dr. Lundberg stated that there were issues that came up in the Mental Health Therapy meeting that the Substance Abuse Counselors Board thought should be included in their practice act.

Ms. Taxin responded that the Board will review the draft of the new practice act to be sure those issues are addressed.

Mr. Fleming commented that possibly a separate Board meeting should be scheduled to discuss facility guidelines only and invite State regulators from the Health Care Facility Agency, the State Division of Substance Abuse and Mental Health and an investigator to be present.

Ms. Taxin suggested further discussion prior to scheduling a meeting regarding regulation of all facilities and agencies.

Board members agreed to review the combined Mental Health Therapy minutes and respond to the Board Secretary.

Robert M. Matotek.

Ms. Taxin explained that Mr. Matotek signed the Stipulation and Order on his Substance Abuse Counselors license and then submitted an application for a Certified Social Worker license. Ms. Taxin stated that Mr. Matotek has a probationary license for both professions, the LSAC and the CSW. Ms. Taxin stated that the Social Work Board will monitor Mr. Matotek's probation as he will be working on his 4000 hours of supervised experience under supervision of an LCSW. Ms. Taxin stated that Mr. Matotek has taken full responsibility for his actions but he did violate the law. Ms. Taxin reported that Mr. Matotek has submitted a letter and a report from his LCSW supervisor. Ms. Taxin stated that Mr. Matotek will be meeting on May 4, 2006 with the Social Work Board.

The Board concurred with Ms. Taxin's decision for the Social Work Board to monitor Mr. Matotek's probation.

NEXT MEETING SCHEDULED FOR:

August 2, 2006

MEETING ADJOURNED AT:

11:15 A.M.

Date Approved

Chairperson, Utah Substance Abuse Counselors
Licensing Board

Date Approved

Bureau Manager, Division of Occupational &
Professional Licensing